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INTERNATIONAL BUSINESS
MACHINES CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT MAYBERRY,

Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

Case No. CV-09-1369-CW

**STIPULATION AND [ORDER
SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- ☐ Non-binding Arbitration (ADR L.R. 4)
- ☐ Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ☐ Mediation (ADR L.R. 6)

Private Process:

- ☒ Private ADR (*please identify process and provider*) **Private mediation before a mediator agreed to by the parties.**

The parties agree to hold the ADR session by:

- ☐ the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)
- ☒ other requested deadline **Within 60 days from the date upon which both parties have completed at least one deposition.**

DATED: July ___, 2009

DUCKWORTH PETERS LEBOWITZ LLP

THOMAS E. DUCKWORTH

Counsel for Plaintiff

Robert
Mayberry

Dated: July ___, 2009

PAUL, HASTINGS, JANOFSKY & WALKER LLP
E. JEFFREY GRUBE
JEFFREY P. MICHALOWSKI
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By: _____
JEFFREY P. MICHALOWSKI

Attorneys for Defendant
INTERNATIONAL BUSINESS
MACHINES CORPORATION.

ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

☐ Non-binding Arbitration

☐ Early Neutral Evaluation (ENE)

☐ Mediation

X Private mediation before a mediator agreed to by the parties.

Deadline for ADR session

X 90 days from the date of this order.

☐ Within 60 days from the date upon which both parties have completed at least one deposition.

IT IS SO ORDERED.

DATED: July 21, 2009



Claudia Wilken
U.S. District Judge

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